

REMARKS

This Amendment and Response is filed in reply to the Office Action dated February 17, 2004. In this Response, Applicant amends independent claims 1 and 14, adds new claims 48-49, and traverses the Examiner's rejections of all pending claims. Support for the amendments can be found throughout the originally filed disclosure. Cancellations of and/or amendments to the claims are not an acquiescence to any of the rejections. Applicants' silence with regard to the Examiner's rejections of dependent claims constitutes a recognition by the Applicants that the rejections are moot based on the Amendment and Remarks relative to the independent claim from which the dependent claims depend. Furthermore, any cancellations of and amendments to the claims are being made solely to expedite prosecution of the instant application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 1-8, 10-20, and 48-49 are pending in the present application.

The issues of the February 17, 2004 Office Action are presented below with reference to the Office Action.

With reference to the Office Action, paragraph 1: Applicant notes the withdrawal of the previously allowable subject matter. Applicant also reiterates Applicant's previous Responses in which Applicant amended claims to include the allowable subject matter previously deemed allowable by the Examiner, where Applicant amended in such a manner solely to expedite prosecution. Applicant thus withdraws such amendment in view of the Examiner's withdrawal of allowability.

With reference to the Office Action, paragraphs 2-15: The Examiner rejected Applicant's claims based on 35 U.S.C. 102(e) and 35 U.S.C. 103(a) in view of Bezos et al. (U.S. 6,029,141). Applicant respectfully disagrees with the Examiner regarding the Examiner's analysis of Bezos et al. as applies to Applicant's claims.

Applicant's independent claim 1 includes certain features, namely, an ID, offers, referrals, and email messages. Applicant agrees that Bezos et al. also teaches an ID, offers, referrals, and emails; however, Applicant's independent claim 1 states a

relationship between such features that is not taught by or otherwise contemplated by Bezos et al.

Applicant's independent claim 1 states a method that includes tracking a personal referral related to an employment offer, which includes "generating a unique identifier that is associated exclusively with the pairing of one individual and one offer." The Examiner directs the Applicant to Col. 2, lines 42, in which Bezos et al. teach that associates are assigned a unique ID. This is not the same as Applicant's claimed "unique identifier that is associated exclusively with the pairing of one individual and one offer." At Col. 2, lines 3-5, Bezos et al. teach that "referral information preferably includes the unique ID of the associate (assigned upon enrollment) and the unique ID of the selected product." Although Bezos et al. teach unique IDs for the associates and also, unique IDs for the products, Bezos et al. never teach Applicant's claimed "unique identifier that is associated exclusively with the pairing of one individual and one offer."

Applicant's independent claim 1 also includes "sending to said individual an electronic-mail message that provides a hyperlink to or contains a Web page whose address or contents includes said unique identifier or a transformation thereof." Accordingly, the individual whom is paired with the offer is sent an email that includes the unique identifier. Bezos et al. do teach sending emails to associates to allow the associates to set-up their websites (e.g., See Bezos et al., Appendix A); however, because nowhere do Bezos et al. ever teach Applicant's claimed "generating a unique identifier ... pairing ... one individual and one offer", Bezos et al. necessarily cannot teach Applicant's claimed "sending to said individual an electronic-mail message that ... includes said unique identifier."

Applicant's independent claim 1 states that the email also contains "means to allow the individual to input the electronic-mail address of persons whom said individual wishes to refer." As previously stated herein, and with reference to Bezos et al., Appendix A, Col. 10, lines 50-67, Bezos et al.'s email includes instructions for "setting up an Associate's web site". Further, in Applicant's independent claim 1, the referring party knows, and in fact identifies, the parties that are being referred. This is in stark contrast to Bezos et al., for example, Col. 8, lines 17-22, where Bezos et al. teach that at

the time that a referral link is selected, the merchant *does not know who the customer is*. This is because the Bezos et al.'s "referral" is provided by a hyperlink on a webpage that can be selected by any random (e.g., non-identified) user of an associate's website. There is no teaching in Bezos et al. wherein an individual (e.g., associate) can "input the electronic mail address of persons whom said individual wishes to refer."

Applicant admits that Bezos et al. teach that an associate may provide *the associates own email address* to obtain the "instruction email" of Appendix A, but this is not the same as Applicant's independent claim 1 that includes the allowance of "the individual to input the electronic-mail address of persons whom said individual wishes to refer."

Applicant's independent claim 1 also includes "tracking the referral by: receiving from said individual the email addresses for the persons to whom said individual referred, updating at least one database to associate the individual with the electronic-mail addresses of the persons whom the individual wishes to refer, and for each electronic-mail address of persons whom said individual wishes to refer, returning to generating a unique identifier." It is thus the distinctions between Applicant's independent claim 1 and the Bezos et al. teachings that are most readily recognized in this tracking feature of Applicant's independent claim 1, where Applicant's independent claim 1 allows for iterative assignment of unique identifiers to pairings of individuals and offers via the referral process, thereby facilitating a tracking of a referral chain, while Bezos et al. merely allow for a single-step referral in which a merchant receives an identifier of a product and a separate identifier of an associate, to provide the associate with the credit for the "referral." Once again, at this time in Bezos et al.'s system, because the referral is from a random person who selected a link on the associate's website, the merchant does not know the identity of the customer. This is again in contrast to Applicant's independent claim 1, where a unique identifier is established for the *pairing* of the individual and the offer *prior to sending the offer* such that acceptance of the offer thus identifies the individual to the accepting party. The database(s) which is iteratively updated for each referred party as claimed in Applicant's independent claim 1, further provides the history of the offer and referrals. Such a system is not taught by Bezos et al.

Additionally, Applicant's independent claim 1 is specifically directed to a system that sends an email to an individual, receives referral email addresses from that individual, updates a database(s) to record the referral chain, and sends additional emails to those referral email addresses, etc., in an iterative nature. This is not taught or otherwise contemplated by Bezos et al.'s system that is limited to teaching a system where a merchant provides email instructions to a proprietor of an associate web page on the intricacies of including a hyperlink on the associate web page, which when selected by a random customer, will transmit the associate's ID and a product ID to the merchant to allow the merchant to give credit to the associate. In Bezos et al.'s system, there is no teaching of Applicant's independent claim 1 features that include sending an email including an offer to an individual, receiving referral email addresses from that individual, updating a database to track the referral chain, and re-transmitting the offer to the referral email addresses.

Because Bezos et al. do not teach any of the features of Applicant's independent claim 1, Applicant traverses the Examiner's rejection of Applicant's independent claim 1 and considers independent claim 1 to be allowable. Applicant's independent claim 1 is a companion system claim to allowable independent claim 1, and for the same reasons provided relative to independent claim 1, Applicant traverses the Examiner's rejections of independent claim 14 and considers independent claim 14 to be allowable. All other claims depend from one of allowable independent claims 1 or 14, and thus, Applicant traverses the Examiner's rejections of the same as such claims are allowable for depending from an allowable base claim.

Conclusion

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

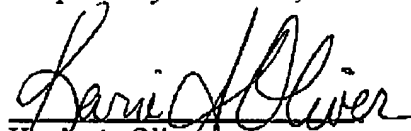
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August 13, 2004

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Respectfully submitted,



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